

IN RE: PETITION FOR SPECIAL EXCEPTION  
SWS Reisterstown Road,  
890' NW of Tobins Lane  
(9634 Reisterstown Road)  
3rd Election District  
3rd Councilmanic District

BEFORE THE  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY

Tal Hong Han, et ux  
Petitioners

Case No. 89-274-X

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners request approval of a Special Exception to use the herein described property for two (2) single faced illuminated 12' x 25' outdoor advertising (sign) structure as more particularly described on Petitioners' Exhibit 1.

The Petitioner, Tal Hong Han, did not appear, but was represented by Stuart R. Berger, Esquire. There were no Protestants. Mr. Barry Freedman, a representative of Penn Advertising of Baltimore, Inc., the Contract Lessee of the subject property, appeared and was represented by Stuart R. Berger. The Petitioner submitted an amended plat detailing its final development plan as more particularly described on Petitioners' Exhibit 2. At the outset of the hearing, Mr. Berger stated that the reason for an amended development plan was due to the razing of the property immediately east of the proposed sign and west of the Northwest Honda described on

Petitioners' Exhibit 2. Because the house located on the property had been razed, the Petitioner requested permission to amend its plat to reflect the absence of the building, as well as to request for a 15 foot setback from the right of way of Reisterstown Road and a 48 foot setback from the center line of Reisterstown Road. Mr. Barry Freedman testified that the changes in the plat comply with the requirements of Section 235.1 of the Baltimore County Zoning Regulations (B.C.Z.R.).

All of the testimony was provided by Mr. Barry Freedman who testified to the prerequisites of Section 502.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) and testified in the affirmative that all of those prerequisites would be met by the establishment of two (2) single faced illuminated 12' x 25' outdoor advertising (sign) on the subject property, as shown on Petitioners' Exhibit 2. Furthermore, Mr. Freedman also testified as to the requirements established by Section 413.3 (a thru i) have or would be complied with by this particular outdoor advertising structure and that the subject site is consistent with B.C.Z.R.

The Petitioner testified that, based on his professional experience, it was his opinion that the proposed sign would not cause any adverse impact and would not create traffic congestion over and above what already exists. He testified that the conditions delineated in Section 502.1 (B.C.Z.R.) will be satisfied.

- 2 -

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1. In fact, the Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described in Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 291 Md. 1, 432 A.2d 1319 (1981)

The proposed use will not be detrimental to the health, safety or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for reasons given above, the relief requested should be granted.

#### PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for two (2) illuminated 12' x 25' advertising (sign) structure.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract ~~XXXXXXXX~~ Lessee:

Penn Advertising of Baltimore, Inc.

(Type or Print Name)

V. Robert Haines

Signature

3001 Remington Avenue

Address

Baltimore, Maryland 21211

City and State

Attorney for Petitioner:

Stuart R. Berger, esq.

(Type or Print Name)

Stuart R. Berger

Signature

36 South Charles Street

Address

Baltimore, Maryland 21201

City and State

Attorney's Telephone No.: (301) 332-5552

Address

Phone No.

Ordered By The Zoning Commissioner of Baltimore County, this 2nd day

of Nov, 1988, that the subject matter of this petition be advertised, as

required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning

Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore

County, on the 24th day of Nov, 1988, at 11 o'clock

A.M.

J. Robert Haines

Zoning Commissioner of Baltimore County.

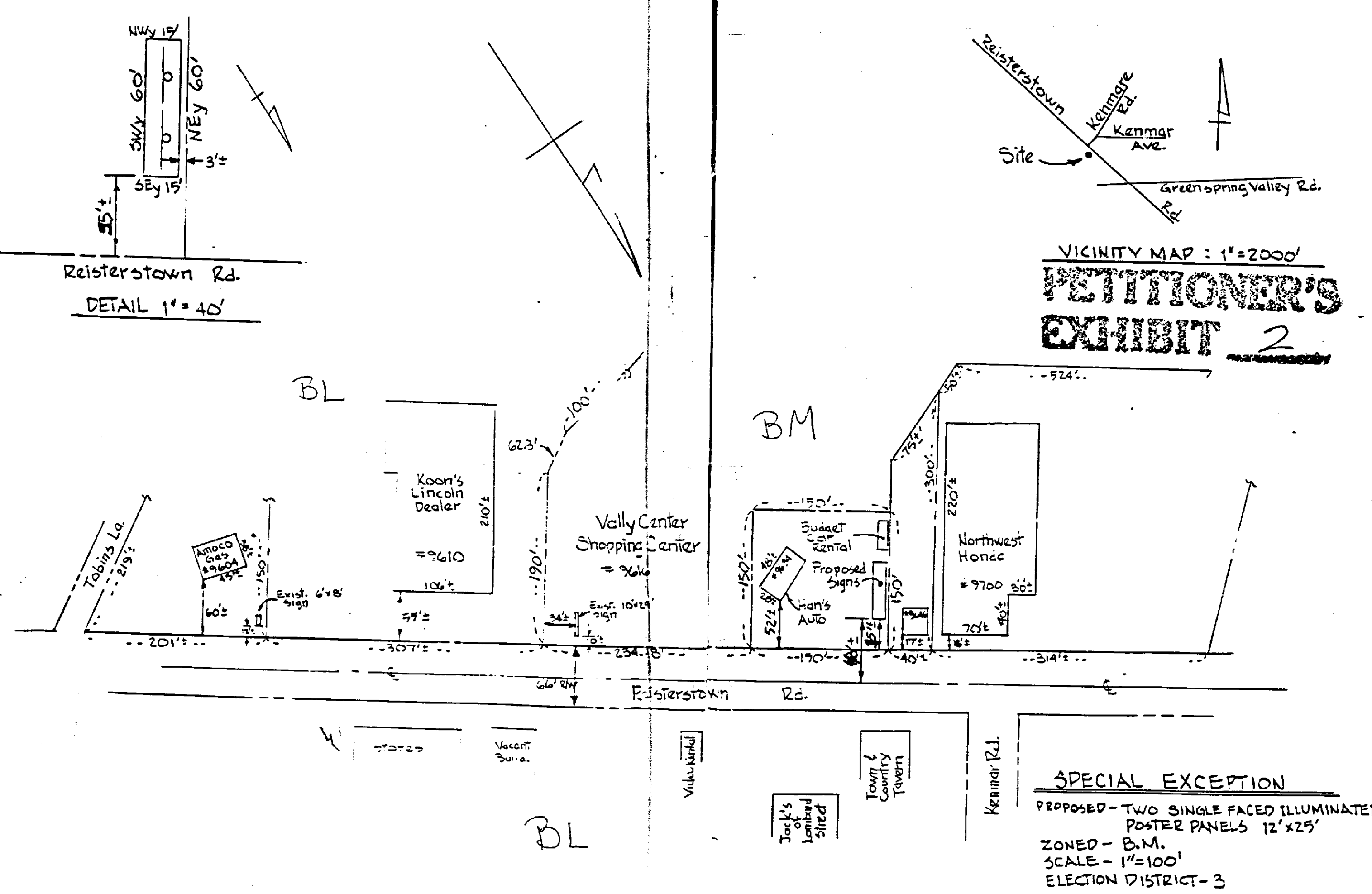
Estimated Length of Hearing - 1/2hr.

Available for Hearing

Mon./Tues./Wed. - Next Two Months

ALL OTHER

Reviewed By: Stuart R. Berger DATE 11-18-88



THEREFORE, IT IS ORDERED, by the Zoning Commissioner of Baltimore County, Maryland, this 1st day of February, 1989, that the Petition for Special Exception for two (2) single faced illuminated 12' x 25' outdoor advertising (sign) structure, as more particularly described on Petitioners' Exhibit 2, be and the same is hereby GRANTED.

cc: People's Counsel  
Stuart R. Berger, Esq.  
Mr. Barry Freedman

2397F

9634 Reisterstown Road

Beginning for the same at a point 35' more or less southwesterly from the southwestmost side of Maryland route 140, said point being northwesterly, by a line parallel to the southwest side of Maryland route 140, a distance of 890' more or less from the northmost side of Tobins Lane, 30 feet wide, thence southeasterly 15' more or less, thence southwesterly 60' more or less, thence northwesterly 15' more or less, thence northeasterly 60' more or less, to the point of beginning. Being a part of that property located in Baltimore County and now known as 9634 Reisterstown Road.







# BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

January 17, 1989

COUNTY OFFICE Bldg.  
111 N. Chesapeake Ave.  
Towson, Maryland 21204

000

Stuart R. Berger, Esquire  
36 South Charles Street  
Baltimore, Maryland 21201

RE: Item No. 1 /, Case No. 89-274-X  
Petitioner: Tai Hong Han/Legal Owner  
Penn Advertising of Baltimore, Inc./  
Lessee  
Petition for Special Exception

Dear Mr. Berger:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

*James E. Dyer*  
JAMES E. DYER  
Chairman

Zoning Plans Advisory Committee

JED:dt

Enclosures



## Maryland Department of Transportation State Highway Administration

Richard H. Trainor  
Secretary  
Neil Kassoff  
Administrator

October 31, 1988

Mr. J. Robert Haines  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Attn: Mr. James Dyer

Re: Baltimore County  
Han's Auto  
Zoning Meeting of 11-1-88  
S/W/S Reisterstown Road  
MD 140, 890' N/W of  
Tobin's Lane  
9534 Reisterstown Road  
(Item #167)

Dear Mr. Haines:

After reviewing the submittal for a Special Exception for two (2) illuminated 12'x25' outdoor advertising signs, we have the following comment.

This plan has been forwarded to the State Highway Administration - Beautification Section (c/o Morris Stein - 333-1642) for all comments relative to zoning.

If you have any questions, please contact Larry Brocato of this office at 333-1350.

Very truly yours,

*Charles J. Mills, Jr.*  
Charles J. Mills, Jr., Chief  
Bureau of Engineering  
Access Permits

LNB:maw

cc: Mr. J. Ogle  
Mr. M. Stein (w-plan)

RECEIVED  
NOV 3 1988  
ZONING OFFICE

333-1350

My telephone number is (301) \_\_\_\_\_

Teletypewriter for Impaired Hearing or Speech  
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5082 Statewide Toll Free  
707 North Calvert St., Baltimore, Maryland 21203-0717

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353

J. Robert Haines  
Zoning Commissioner

February 1, 1989

Stuart R. Berger, Esquire  
36 S. Charles Street  
Baltimore, Maryland 21201

RE: PETITION FOR SPECIAL EXCEPTION  
34/S Reisterstown Road, 890' NW of Tobin's Lane  
(9534 Reisterstown Road)  
3rd Election District - 3rd Councilmanic District  
Tai Hong Han, et ux - Petitioners  
Case No. 89-274-X

Dear Mr. Berger:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Exception has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

*J. Robert Haines*  
J. ROBERT HAINES  
Zoning Commissioner  
for Baltimore County

JRH:bjs

cc: People's Counsel

File

3801 Lochearn Rd.  
Baltimore, Maryland 21207  
January 13, 1989

Baltimore County Office of  
Planning & Zoning  
J. Robert Haines, Commissioner  
Towson, Maryland 21204

Re: 89-274-X  
#167

RECEIVED  
JUN 17 1989

ZONING OFFICE

Dear Sir,

I am opposed to the location of 2 billboards at 9634 Reisterstown Road, Owings Mills, Maryland as the visual pollution at that particular site is already overwhelming.

There are homes and a shopping plaza directly behind this site and I feel billboards are suitable for an industrial area. I am opposed for the same reason as I opposed 88-4874, but given.

Thank you for your consideration in not granting a special exception in this case. Low lying areas below Reisterstown & Liberty Roads are devastated as it is, billboards would be the final straw.

Sincerely,  
*Judith Berger*

## BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines  
Zoning Commissioner Date: January 20, 1989

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

SUBJECT: Han/Penn Advertis. of Balto. Inc.  
Zoning Petition No. 89-274-X

Staff has reviewed the petitioner's request and provides no comment due to inadequate information regarding 1) existing signage on site; 2) proposed signage (elevations); 3) variances being requested (legal signage vs. requested). Any consideration for granting petitioner's request should be subject to landscape streetscape improvements along Reisterstown Road.

FK/sf

RECEIVED  
JAN 23 1989  
ZONING OFFICE